REMARKS

In the Office Action mailed on July 5, 2007, the Office took the following action: (1) rejected claims 10-13, 16-18, 24, 26, and 33-36 under 35 U.S.C. §102(b) as being anticipated by Kester et al., U.S. Patent No. 7,185,015 (hereinafter "Kester"); and (2) rejected claims 14-15, 25, and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Kester. Applicants respectfully request reconsideration and withdrawal of the rejections in view of the following remarks.

Rejection under 35 U.S.C. §102(b)

The Office rejected claims 10-13, 16-18, 24, 26, and 33-36 under 35 U.S.C. §102(b) as being anticipated by Kester. Applicants respectfully traverse.

Claims 10, 11-13 and 16-18

Claim 10 recites:

A method comprising:
    determining a version of program code satisfying an
operating policy; and
    denying execution of program code on a client if a version of
the program code on the client is different from the version of
program code satisfying the operating policy.

Kester generally pertains to a system and method of monitoring and controlling application files. (Abstract). More specifically, Kester includes methods that "detect the program requested by a user, determine whether the program is in the categorized application database, send the program and program data associated with the program to an application server module if the program is

not in the categorized application database, and apply one or more policies that are associated with the program." (Summary, lines 56-60).

Kester fails to disclose, "denying execution of program code on a client if a version of the program code on the client is different from the version of program code satisfying the operating policy," as recited by Applicants' claim 10. A thorough search of Kester retrieves two occurrences of the term "version." The first occurrence is relied upon by the Office in the rejection of claim 10 and is repeated below for convenience:

> The application digest generator 201 parses properties from the requested application. Examples of such properties include the name, publisher, suite, hash, file size, *version*, and additional information or properties which are associated with the launched application.

(Col. 4, lines 48-52, emphasis added). Kester again mentions "version" at column 14, lines 41-43 which state, "The application digest generator 201 parses properties from the applications. Examples of such properties include the name, publisher, suite, hash, and version, which are associated with the applications." The second entry is substantially identical to the first occurrence quoted above.

Although Kester discloses "version," Kester still fails to disclose, "denying execution of program code on a client if a version of the program code on the client is different from the version of program code satisfying the operating policy." Applicants submit that Kester does not in fact disclose using an application version in the policy, which in turn denies access to a program. In support, Applicants submit that the following section of Kester contradicts the Office's interpretation of Kester.

The hash/policy table 204, which is received from the application server module 102, can include *a list of application names, publishers, suites, hashes, categories, and rules or policies associated therewith*. In one embodiment, the one or more parsed properties in the hash/policy table 204 include a list of hash values. Continuing with this embodiment, the hash/policy table 204 further includes a list of policies that are associated with the hash values in the list. In addition to hash values and policies in this embodiment, the hash/policy table 204 could further include a list of categories that are associated with the hash values and/or policies. Moreover, in another embodiment, the hash/policy table 204 does not include hash values. Instead, the hash/policy table 204 includes the *names/publishers/suites* or other properties which identify the applications in the hash/policy table 204.

(Col. 5, lines 10-25, emphasis added).

In the above quoted section, Kester discloses the contents of the hash/policy table 204, including "a list of application names, publisher, suites, hashes, categories, and rule or policies associated therewith." However, Kester does not list "version" or any other synonym or variation of this term. The hash/policy table is used as a reference when determining whether or not to allow access to an application as follows:

The execution launch detection module 210 compares the properties of the application to the properties in the hash/policy table 204 to determine what access privileges or policies should be applied to the request to run the application.

(Col. 5, lines 29-33). Therefore, Kester fails to disclose analyzing the version of the application with the execution launch detection module because the hash/policy table does not include the version.

In further support of Applicants' position, Applicants submit that Kester is not concerned with versions of applications, but instead with the existence of the application. Kester discloses a concern for unlicensed and harmful software

(application), as discussed in background section of the specification. Kester verifies the application itself, not the version of the particular application. In fact, Kester is silent as to concerns for out-of-date software or old versions.

Applicants now return to the disclosure of the term "version" in Kester. As stated, Kester mentions a laundry list of properties associated with an application, one of which includes the term version. However, Kester does not use every property of the application to carry out the methods and systems of the Kester invention. Instead, Kester is particularly concerned with the application "name, publisher, suite, hashes, and categories" as evidenced in Kester at column 5, line 12. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under Kester to claim 10.

Claims 11-13 and 16-18 depend from claim 10, and thus are believed allowable at least for their dependency on the allowable base claim 10. Further, the additional limitations in these dependant claims provide limitations which are not taught by the cited reference. Although all dependant claims may recite limitations not disclosed by Kester, only one dependant claim is discussed below for sake of brevity.

Applicant's claim 17 recites, "notifying a network administrator if the version of program code on the client is different from the version of program code satisfying the operating policy." Kester fails to disclose the recitations of claim 17, more specifically, "notifying a network administrator." The Office relies on Kester at column 15, lines 32-60. However, the relied upon section only mentions "network administrator" once, as follows: "The network administrator, via the classification user interface 106, can update the policy database 109." This

does not disclose, or even suggest, that the network administrator is notified "if the version of program code on the client is different from the version of program code satisfying the operating policy." Instead, it only describes action the network administrator may do (*e.g.*, update the policy database).

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under Kester to claims 11-13 and 17-18.

Claims 24, 26 and 33-36

Regarding claims 24 and 33, Applicants submit that Kester fail to disclose the recitations in claims 24 and 33 for similar reasoning as presented above regarding claim 10. Claim 26 depends from claim 24, and thus is believed allowable at least for its dependency on the allowable base claim 24. Similarly, claims 34-36 depend from claim 33, and thus are believed allowable at least for their dependency on the allowable base claim 33. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection to claims 24, 26, and 33-36.

Rejection under 35 U.S.C. §103(a)

The Office rejected claims 14-15, 25, and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Kester. Applicants respectfully traverse. For the reasons presented above, Applicants believe claims 10 and 24 are in condition for allowance. Claims 14-15 depend from allowable base claim 10 while claims 25 and 27-28 depend from allowable base claim 24. Therefore, Applicants

respectfully request reconsideration and withdrawal of the rejection to claims 14-15, 25, and 27-28.
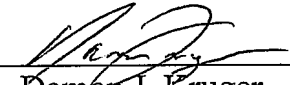
Conclusion

Claims 10-18, 24-28 and 33-36 are in condition for allowance. Applicants respectfully request reconsideration and issuance of the subject application. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned.

Respectfully Submitted,

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